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March 22, 2019

District Judge William F. Kuntz, II
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: 1:18-cv-05577-WFK-RER
Campbell-Clark v. Blue Diamond Growers

Dear District Judge Kuntz:

This office represents the plaintiff in the above action and writes in response to your Honor's March 22, 2019, Order, granting defendant's request for a pre-motion conference. ECF 13, March 21, 2019. Your Honor's Individual Rules specify that "a pre-motion conference letter requesting permission to file a motion under that Rule shall be considered equivalent of the motion itself." Section III (B)(4).

Consistent with the timing of FRCP 15, a "plaintiff will be allowed to amend the complaint as a matter of right within twenty-one (21) days of entry of the Order on ECF stating the decision allowing or disallowing the filing of the first Rule 12 motion." Individual Rules, Section III (B)(4); Fed. R. Civ. P. 15(a)(1)(B) (allowing amendment within "21 days after service of a motion under Rule 12(b)"); *M.E.S., Inc. v. Liberty Mut. Sur. Group.*, No. 10-cv-0798, 2014 WL 46622 (E.D.N.Y. Jan. 6, 2014), *2 (finding Rule 15(a)(1)(B) permits plaintiff's filing of an amended complaint, "as of right" in response to defendant's request for a pre-motion conference).

Plaintiff will file the first amended complaint ("FAC") in accordance with your Honor's Rules, to "allow[s] for the more efficient use of the Court's time and resources because the Court need only meet with the Parties once...and the need for the motion may be obviated if the amended pleading deals with Defendants' concerns." Section III (B)(4); *M.E.S., Inc.*, 2014 WL 46622 at *2.

The FAC will be filed on or before Friday, April 12, 2019, which is twenty-one (21) days (i) from the March 22, 2019 Order and (ii) is consistent with Fed. R. Civ. P. 6(a)(1)(A), which excludes "the day of the event that triggers the period," March 21, 2019. Thank you.

Respectfully submitted,

/s/ Spencer Sheehan
Spencer Sheehan

Certificate of Service

I certify that on March 22, 2019, I served the foregoing by electronically filing and/or mailing (first-class mail) same, to the persons or entities indicated below, at their last known address of record (blank where not applicable).

Defendants' Counsel

☒ CM/ECF

☐ First-Class Mail

/s/ Spencer Sheehan
Spencer Sheehan